Supreme Court, U.S.
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No. 06-

IN THE

Supreme Court of the United States

RONALD W. PARKINSON,
Petitioner,

v.

SOMERFORD CORP., ANNAPOLIS HERITAGE PARTNERS, MELISSA STEWART *et al.*,
Respondents.

On Petition for Writ of Certiorari to the Court of Appeals of Maryland

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PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the court of appeals of Maryland erred in affirming circuit's judgment for summary judgment when the judgment is in conflict with the due process clause of the fourteenth amendment to the constitution of the United States, section 1 nor deny to any person within its jurisdiction the equal protection of the laws.

2. Comment: anyone born or naturalized in the United States is a citizen. All citizens are entitled to due process (basic fairness) according to the constitution and bill of rights. Laws must be enacted and enforced in a way that treat people equally.

3. Did the court unreasonably infringe upon the rights, privileges and immunities guaranteed to Parkinson under the U.S. Constitution and Maryland constitution, declaration of rights.

4. Did the court block all access to discovery for over two years by petitioner.

5. Did respondents block all access to a dying mother to see her son the last nine month of her life.

6. Did respondents block all access to petitioner a son from seeing his dying mother the last nine month of her life.

LIST OF INTERESTED PARTIES

The counsel of record certifies that the following listed persons and corporations have an interest in the outcome of this case. Each of the parties were petitioner and respondents in the Circuit Court, Court of Special Appeals and Court of Appeals.

1. Ronald W. Parkinson, Petitioner
2. Somerford Corp. Respondent:
3. Annapolis Heritage Partners: Respondent:
4. Melissa Stewart et al., Respondents
5. Dale K. Cathell, Attorney for Respondents

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JUSTICE

False witnesses Proverbs 12:17

A truthful witness gives honest testimony, but a false witness tells lies.

A truthful witness does not deceive, but a false witness pours out lies.

A truthful witness saves lives, but a false witness is deceitful.

A false witness will not go unpunished, and he who pours out lies will perish.

A corrupt witness mocks at justice, and the mouth of the wicked gulps down evil.

A false witness will perish, and whoever listens to him will be destroyed forever.

Like a club or a sword or sharp arrow is a man who gives false testimony against his neighbor.

Isaiah 1:17

Learn to do right seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow.

Liviticus 19:15

Do not prevent justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor. Fairly.

Proverbs 31:8-0

Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.

Revelation 19:2

For true and just are god's judgments.

Deuteronomy 16:18

Appoint judges and officials for each of your tribes in every town the lord your god is giving you, and they shall judge the people fairly.

Deuteronomy 5:20

You shall not give false testimony against your neighbor.

Ninth commandment; thou shall not bear false witness.

The truthfulness of those who would testify against others is so central to honesty and justice that it is required as one of the ten basic commandments.

UNITED STATES CONSTITUTION

BILL OF RIGHTS

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 14

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction there, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Comment: anyone born or naturalized in the United States is a citizen. All citizens are entitled to due process (basic fairness), according to the constitution and Bill of Rights. Laws must be enacted and enforced in a way that treats people equally.

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PETITION FOR WRIT OF CERTIORARI

PETITION FOR WRIT OF CERTIORARI TO THE MARYLAND COURT OF APPEALS

Petitioner, Ronald W. Parkinson, respectfully request that this Court grant a Writ of Certiorari to review the judgment of the Court of Appeals of Maryland in this case.

COURSE OF PROCEEDINGS AND DISPOSITION OF THE CASE BELOW

This case was originally filed in the Circuit Court for Anne Arundel County alleging claims infringes upon the rights, privileges and immunities guaranteed to Parkinson under his United States and Maryland Constitutional Rights under Amendment I, IV, V, VI, VII, VIII, IX, XIV presenting matters of federal question jurisdiction pursuant to 28 U.S.C.

& 1331. Parkinson also had brought common law claims of intentional infliction of emotional distress and invasion of privacy violation of circuit court order and violation of patients Bill of Rights against Somerford Corp., Annapolis Heritage Partners, Melissa Stewart *et al.* The defendants moved for summary judgment. The motion was granted.

Petitioner timely filed a Petition for Appeal to Court of Special Appeals and Court of Appeals. The Court of Appeals issued its unpublished decision petition be denied.

A Petition for Writ of Certiorari has been timely filed, pursuant to Rule 13 of Rules of the United States Supreme Court, within 90 days after the entry of judgment.

JURISDICTION

This case was originally filed in the Circuit Court for Anne Arundel Country alleging claims under Amendment I, IV, V, VI, VII, IX, XIV of the United States Constitution. Presenting matters of federal question jurisdiction pursuant to 28 U.S.C. & 1331. Parkinson also brought common law claims of intentional infliction of emotional distress, invasion of privacy, violation of circuit order, violation of Comar. The Court of Appeals had jurisdiction had jurisdiction over the original appeal pursuant to 28 U.S.C. & 1291 and 1294. The jurisdiction to grant, or deny, a rehearing en banc pursuant to federal rule of appellate procedure 35. The jurisdiction of this honorable court is invoked under 28 U.S.C. & 1254(a).

STATUTORY AND REGULATORY PROVISION INVOLVED

This appeal addresses the claim with which the respondent has prevailed in the proceeding thus far, violating the rights, privileges and immunities guaranteed to Parkinson under the United States Constitution and Maryland Constitution.

1

If the Honorable Court would take time and look at the pictures of petitioner mother Ethel E. Parkinson and the bloody and abused and neglected body at the hands of respondents.

2

If the Honorable Court would look at just some of the uniforms Ether E. Parkinson family and petitioner wore over the past 100 years and still defending and serving this country in Africa, Sicily, England, Normandy d-day, World War II, Vietnam, Korea, Germany, New York on 9-11 and now Iraq.

3

If the Honorable Court would take a minute and think of their grandmother, mother, wife, children, grandchildren and future generations and ask could this happen to my family by a heavy handed tyrant.

4

If the Honorable Court would read each of the violations and table of authorities.

5

The basic unit of any society is the home, when the home begins to break, the society is on the way to disintegration and could ultimately lead to the destruction of our civilization.

REASONS FOR GRANTING THE WRIT

The central issue here is whether petitioner Ronald W. Parkinson and his mother Ethel E. Parkinson's United States Constitution Rights were violated and denied. Were his I, IV, V, VII, VIII, IX, XIV denied without due process and equal protection of law (basic fairness)? Were they discriminated against for asking for medical help?

That failure to afford the Parkinson family their god-given rights and constitution rights. They have enforceable rights and duties to visit, companionship, right to care, custody, management. The individual has certain fundamental rights which must be respected.

If the court is allowed to see his children, grandchilden, wife, family and everyone in this country is allowed to visit their family, petitioner and mother are guaranteed same rights under U.S. Constitution and Maryland Constitution, the U.S. Constitution protects citizens against unreasonable or arbitrary discrimination.

Letter from Somerford Margie Cotterman, RSC "I said I was joining the conversation and just remained standing there. Complaint and evidence clearly states this unreasonable eavesdropping went on for over two years.

Keeping a dying mother from her son and a son from his dying mother can only be compared to Iraq now and Auschwitz during the holocaust.

For the foregoing reasons, Ronald W. Parkinson respectfully submits the decision in the Court of Appeals of Maryland was in error and is contravention to establish precedent of the United States Supreme Court and the Court of Appeals of Maryland. Petitioner respectfully requests that certiorari be granted.

STATEMENT OF THE CASE

This appeal challenges the opinion and order made by the Anne Arundel County Circuit Court on May 24, 2006. The trial court erred as a matter of law. First the appellee's infringes upon the rights, privileges and immunities guaranteed to Parkinson under the United States Constitution and Maryland Constitution, Declaration of Rights than lower court. Deprived Mr. Parkinson of the rights, privileges and immunities guaranteed to Parkinson under amendment I, IV, V, VI, IX, XIV of the United States Constitution and deprived Mr. Parkinson of the rights, privileges and

immunities guaranteed to Parkinson under articles 2, 5, 13, 19, 20, 21, 23, 24, 40, 45 of the Maryland Constitution, Declaration of Rights.

Mr. Parkinson respectfully appeals the trial court' opinion and order as it unreasonably infringes upon the rights, privileges and immunities guaranteed to Parkinson under the United States Constitution and Maryland Constitution, Declaration of Rights. The authority of this Honorable Court to consider this legal issue on appeal rests under Md. Rule 8-201.

STATEMENT OF FACTS

On Friday September 17, 2004 at 5 pm appellant went to visit and feed his mother dinner at Somerford Place the assisted living facility owned and operated by Annapolis Heritage Partners, LLC and Somerford Corporation. Appellant mother bedroom door was locked and appellant ask caregiver if she knew where his mother was? Caregiver said no but I will help you find her. She was in Stone Harbor in another residents room, caregiver brought her out with a 2" cut just below her right elbow. Bleeding, blood running down arm to hand and dripping off her fingers. Son asked can we fix that. Caregiver said we would take her to the nurse for bandage. Nurse Margie Cotterman was reading a book in her office. Nurse got up and looked at appellant's mother arm and said they can bandage it when they come around to give medicine. She went back in the nurse's office and sat down reading her book. Refused to bandage or give medical care to appellant's bleeding mother. 5:15 and 5:30 pm arm still bleeding I ask if someone was going to take care of her arm. I was told when they come around to do medicine. At 6 pm I ask caregiver again when are they going to fix her arm. Told when they give meds. 6:30 pm 1½ hours later Tracie cleaned and bandage arm in tv room.

September 20, 2004 appellant received a registered letter from appellee's stating effective immediately appellant is

denied all access to his mother or enter upon the ground of Somerford Place and entry on property will be treated as a trespass and authorities would be contacted. Appellant did not commit any crime or break any law all he ask for was medical attention for his bleeding mother. And for this appellee's blocked all access to his mother. Appellant a son was not allowed to see his dying mother the last nine month of her life a dying mother was not allowed to see her son the last nine month of her life.

ARGUMENT

On Aug. 7, 2002 appellant Sister Rita Ormand ask our family if she could take our mother and get her hair done. Her three son's and daughter in-law had been staying with her since her husband died in June 2002. Our sister met with the appellee's in secret in July to arrange to have our mother locked up at the assisted living facility Somerford Place owned and operated by the appellee's Somerford Corporation and Annapolis Heritage Partners. They had our mother sign a new power of attorney without her three son's knowledge and appellant was her power of attorney and power of attorney for their father's and personal representative for their father's estate. Our mother has had dementia since 1998 and had no knowledge of what she was signing. Ms. Ormond did not bring our mother home and refused to tell the family where she was. Appellee's were holding her against her will and the will of her family. It took the family three days to find her. Calling every nursing home and assisted living home they could find. When appellant his brother and sister-in-law found her at Somerford Place. Appellee's told US Dept of Aging said we could not take our mother home. Appellee's told us we had to leave in less than ten minute and not to come back for three days. When we came back they told us we had to leave again in less than ten minutes. They the next day in less than ten minutes. This continued until appellant refused to leave in ten minutes. Before appellant had even

met appellee's they were calling around to state agencies trying to get them to restrict or have no visits for appellant and his mother: Appellee's were warned many times over two years about restricting or trying to deny visits from a appellant and his mother. We were not allowed to bring our mother home for Christmas, Thanksgiving, Easter, Birthdays, visits or anything. Appellee's would follow Parkinson and mother for over two years eavesdropping on every word of their conversations they were warned many times about this invasion of privacy. September 20, 2004 appellant received a registered letter from appellee's stating effective immediately appellant was denied all access to his mother. Appellant was not allowed to see his dying mother the last nine month of her life. A dying mother was not allowed to see her son the last nine month of her life.

God, the Bible, the United States Constitution, Maryland Constitution, Declaration of Rights give the citizen of the United States certain basic rights which may not be taken away by personal, political economic views or manipulated to serve any agenda. Each of these right will follow: U.S. Constitution Amend VII provides; in suits at common law, where the value in controversy shall exceed twenty dollars; the right of trial by jury shall be preserved, Md. Constitution Decl. of Rights Art. 5: that the inhabitants of Maryland are entitled to the common law of England and a trial by jury: Md. Decl. of Rights Art. 23 the right of trial by jury of all issues of fact in civil proceeding in the several courts of law in this state, where the amount in controversy exceeds the sum of $10,000.00 shall be inviolable preserved: U.S. Constitution Amend I Congress shall make no law abridging the right of the people to peaceably to assemble, congress shall make no law abridging the freedom of speech, and to petition the government for redress of grievances. Md. Constitution Decl. of Rights Art. 40 provides in pertinent part; that every citizen of the state ought to be allowed to speak, write and publish his sentiments on all subjects, Md.

Constitution Decl. of Rights Art 13 that every man hath a right to petition for redress of grievances, U.S. Constitution Amend XIV "no state shall make or enforce any law which shall abridge the immunities of citizens of the United States, no state shall deprive any person of life, liberty, or property, without due process: U.S. Constitution Amend V provides no person shall be deprived of life, liberty, or property without due process of law: Md.

Constitution Decl. of Rights Art 19 provides: that every man, for any injury done to him, in his person, or property, ought to have remedy by the course of the law of the land, and ought to have justice and rights, freely without sale, fully without any denial, and speedily without delay, according to the law of the land; Md. Constitution Decl. of Rights Art. 20 that the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the people: Md. Constitution Decl. of Rights Art. 23 provides: that no man ought to be taken or imprisoned or seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner, destroyed, or deprived of his life, liberty, or property, but by judgment of his peers or law of the land, U.S. Constitution Amend IX provides: the enumeration in the Constitution, of certain rights, shall not be constructed to deny or disparage other retained by the people. Md. Constitution, Decl. of Rights Art 45 provides: this enumeration of rights, shall not be constructed to impair or deny other retained by the people.

VIOLATION OF THE UNITED STATES CONSTITUTION

Fundamental to the rule of law in the United States is the role of the judiciary in enforcing the individual rights and liberties guaranteed by our Constitution.

President Lincoln said the Constitution "must be maintained, for it is the only safeguard of our liberties".

General Robert E. Lee said "do your duty in all things, you cannot do more. You should not do less.

Mexican president Benito Jur'ez says respect for the rights of others is peace.

See App. F.

It is the principle that certain fundamental rights, in which every citizen is entitled, must be placed outside the reach of corrupt and evil people. That is the purpose of our bill of rights.

It the Bill of Rights, the framers build a wall around certain fundamental individual freedoms, forever limiting the majority ability to intrude upon them.

The Bill of Rights does not request the government afford the people certain freedoms: it demands it. *See* App. A.

It declares that they exist as a matter of natural law, and the government has no authority to interfere with their exercise. This strong language serves to purpose it inspires and reassures those of us who hold the rights, and it warns any who dare violate these rights that they may not do so.

The integrity of the family unit has found protection in the due process clause of the fourteenth amendment, *Myers v. Nebraska*, *supra*, 262 U.S. 390, 399 (1923), the right to conceive and to raise one's children have been deemed "essential", the equal protection clause of the Fourteenth Amendment, "basic civil rights of man" *Skinner v. Oklahoma* 316 U.S. 535, *supra*, at 541 (1942) and rights far more precious. . . Than property rights," *May v. Anderson*, 345 U.S. 528, 533 (1953) "it is cardinal with us that the custody care and nurture of the child reside first in the parents, whose primary function and freedom include.

Preparation for obligation the state can neither supply nor hinder." *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944) and the Ninth Amendment, *Griswold v. Connecticut*, 381 U.S. 479, 496 (1965) (Goldberg, J., concurring. *Stanley v.*

Illinois 405 U.S. Supreme Court Justice Brennan, Stewart, and Marshall, Blackman, Burger, C.J., Mr. Justice White delivered the opinion of the court.

We conclude that, as a matter of due process of law, Stanley was entitled to a hearing on his fitness as a parent before his children were taken from him and that, by denying him a hearing and extending it to all other parents, the state denied Staley the equal protection of the law guaranteed by the Fourteenth Amendment.

The private interest here, that of a man in the children he had sired and raised, undeniably warrants deference and, absent a power countervailing interest, protection. It is plain that the interest of a companionship, care custody, and management of his children. *Goldberg v. Kelly*, 397 U.S. 254, 263 (1970).

Supreme Court Justice Scalia's opinion "in my view, a right of parents to direct the upbringing of their children is among the "unalienable rights" with which the declaration of independence proclaims "all men. . . Are endowed by the creator", that the state has no power to interfere with parent's authority over rearing of their children, I do believe that the power which the constitution confers upon me as a judge, entitles me to deny legal effect to law that (in my view) infringe upon what is an unenumerated [unalienable] right.

Chief Justice Fuller court, *Muller v. State of Oregon*, the Supreme Court ruled and said "as healthy mothers are essential to vigorous offspring, the physical well-being of woman is an object of public interest.

Justice Louis Brandeis—believed in using the law to protect the powerless from the powerful. *See* foldouts of Ethel Parkinson abused bloody body.

Justice William H. Rehnquist—the government of the United States has been termed a government of laws, and not of man. It will certainly cease to deserve this high appellation, if the law furnish no remedy for violation of a vested legal right.

Bell v. Burson, 402 U.S. 535 Pp. 647-658 the denial of Unwed fathers of a hearing on fitness accorded to all other parents who custody of their children is challenged by State Constitutes a denial of equal protection of the law, p. 668, *Elona v. American Guarantee Co.*, 391 U.S. 73, 75-76 (1968) for the equal protection clause necessarily limits the authority of a state to draw such 'Legal' lines as it chooses, *Levy v. Louisiana*, 391 U.S. 68, 71-72 (1968) to say that the test of equal protection should be the legal rather than the biological relationship is to avoid the issue.

Supreme Court Justice Bradley wrote man is, or should be, woman's protector and defender.

Woman is still regarded as the center of home and family life. The treatment of woman in a society is a critical measure of that civilization.

Judge Learned Hand-liberty lies in the hearts of man and woman; when it dies there, no constitution, no law, no court can save it; no constitution, no court, no law can even do much to help it. While it lies there it needs no constitution, no law, no court to save it.

It took a civil war and the adoption of the thirteenth, fourteenth, fifteenth amendment to begin the process of assuring equal justice under the law.

Justice O'Connor said I believe deeply that the right to trial by jury is fundamental to our system of justice, to preserve the institution of jury.

The declaration of independence listed deprivation of "the benefits of trial by jury" as one of the intolerable outrages that King George committed against the colonists.

Equal justice under the law—not just for the wealthy but the poor, the disadvantage.

JUSTICE SANDRA DAY O'CONNOR

"Our reliance is in the love of liberty which god has planted in our bossoms, our defense is in the preservation of

the spirit which prizes liberty of all men, in all lands, everywhere, destroy this spirit, and you have planted the seed of despotism around your own door. Familiarize with the chains of bondage, and you are preparing your own limbs to wear them. Accustomed to trample on the rights of those around you, you have lost the genius of your own independence, and become the fit subject of the first cunning tyrant who rises".

VIOLATION OF "THE PATIENTS BILL OF RIGHTS" 42 U.S.C. & 1396(R) AND VIOLATION OF COMAR & 10.07.26 AND .26 A2 .26 RESIDENT'S RIGHTS.

A resident of an assisted living program has the right to: receive treatment, care, and service that are adequate, appropriate, and in compliance with relevant state, local, and federal laws and regulation. *See* App. D fold-ins and App. J state of Maryland DHMH report.

In a 1966 study, conducted at the request of congress, the institute of medicine found the residents of nursing homes were being abused, neglected, and given inadequate care. *See* (App. 1-6 and (App. D fold-ins and App. J DHMH report) the institution of medicine proposed sweeping reform of which became law in 1987 with the passage of the Nursing Home Reform Act, Part of the Reconciliation Act of 1987. And "the patients bill of rights". Each state have recognized the patients bill of right and have adopted their own state "state bill of rights' *see* (App. AA, BB, CC, DD, EE, FF, GG, HH). Many courts have recognized these rights. See there is no question that the primary, perhaps the only, issue pertinent to the question of whether a private cause of may be based upon the breach of a statute is whether the legislature intended that to be the case. *Murthy v. Sinha Corp.*, 644 So.2d 983 (Fla. 1994); *see Stone v Wall*, 734 So.2d. 1038, 1041 (Fla 1999) [24 FLW §§ 283, 285]. In this instance, it has clearly answered that question in the affirmative. Section 393. 13(5) provides; liability for violations. ((quoting *Baumstein v Sun-rise Com-*

munity, Inc., 738 So.2d 420, 87 A.L.R. 5th 763. Any person who violates or abuses any rights or privileges of persons provided by this act shall be liable for damages as determined by law. The statue could hardly be clearer. While courts have recognized the cause of action, *see State v. Dugan*, 685 So.2d 1210 (Fla. 1996), we hold that civil liability for damages indeed arises from violations of chapter 393.

See Stone v. Wall, cite as 734 So.2d. 1038 (Fla. 1999). It would be a violative of constitutional equal protection issue not to recognize the equal rights of parent and child allowing either a cause of action or an element of damage.

See Gates, 274 So.2d at 43.the courts has consistently recognized that the parent-child relationship has fundamental constitution significance. *See Von Eiff v. Azicri*, 720 So.2d 510, 513 (Fla.1998).

See Beverly Enterprises-Florida v. Spilman, cite as 661 So.2d 867 (Fla. App. Dist 1995) any resident whose rights are deprived or infringed upon shall have a cause of action against any licensee responsible for the violation. The action may be brought by the resident or his guardian, by a person or organization action on behalf of a resident.

Tort law has long protected "relational" interest, such as those between family members, from interference. *See Keeton, supra*, & 124, at 915. In *Wilkie v. Roberts*, 91 Fla.1064, 1068, 109 So.225, 227 (1996) this court held that a wrongful injury to the child gave rise to a common law cause of action, companionship are valuable rights, court acknowledge that this right to recovery damages, including those loss of companionship and society, resulting in wrongful injury to family.

Dempsey, 635 So.2d. At 964-65 courts held the policy that family relationships are to be protected and recovery allowed for losses resulting from wrongful injuries that adversely affect those relationships. More enlightened and realistic of role of children in their parent's lives. *See Dempsey*, 635 So.3d.at 964.

We find that the parent-child relationship should be entitled to no less legally recognized protection from unreasonable interference, especially given the fundamental constitutional significance of the parent-child relationship.

Greenfield v. Manor Care, Inc., 705 So. 2d 926 (Fla. App. 4 dist., 1977) complaint should not be dismissed for failure to state cause of action unless movant cal establish beyond any doubt that claimant could prove no set of facts whatever in support of his claim (citing *Martin v.Highway Equip. Supply Co.*, 172 So. 2d 246 (Fla. 2d DLA 1965).

In our system of justice, it is no person, mother, father, president or pauper stands above the law. And our courts must be constantly vigilant to guard against the misuse of the legal process, those who would bypass the legal system by depriving a parent and child a relationship that recognized protection from unreasonable interference, especially given the fundamental constitutional significance of the parent-child relationship.

INVASION OF PRIVACY

It is "no longer open to question that the right of privacy is protected by the federal constitution." the right to privacy is one of the most cherished of all human rights. The landmark 1965 Supreme Court case *Griswold v. Connecticut.* Justice William O. Douglas, writing for the Supreme Court, declared that the right to privacy was actually older than the U.S. Constitution, that it was part of the "natural right" of the individual. He said that such a right did in fact exist in the "shadows" and "penumbras" of the bill of rights. *See* App. F.

The bible says "their own word's will betray them." *See* App. G Melissa Stewart said "he takes her someplace quit where he can visit with her out in front of maybe one of the neighborhoods and sits in the rockers. And they sit there and he talks to her." *see* App. E December 31, 2002 Somerford Margie Cotterman, RSC. Ronald Parkinson was visiting with

his mother he, was seated in a rocker, with his mother holding his mother's hand. I said I was joining the conversation and just remained standing by the mailbox. *See* App. H letter to Somerford from Parkinson counsel Cawood & Kelly, my client has informed me that your staff has been singling him out during his visits with his mother and making such visits awkward by eavesdropping on their conversation and entering Mrs. Parkinson room under pretext when he visiting her. This activity need to cease at once as it is infringing on their right to privacy.

"In a democratic society privacy of communication is essential if citizens are to think and act creatively and constructively, fear or suspicion that one's speech is being monitored by a stranger even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas."

The disclosure of the contents of a private conversation can be even greater intrusion of privacy than the interception itself. There is a valid independent justification for prohibiting such disclosures by person illegally intercepted message. Mr. Parkinson was his fathers personal representative and power of attorney, and power of attorney and legal representative for his mother. *See* App. N, O, P and had a expectation of privacy from in unreasonable intrusion into the private communications and information, personnel and privileged communication, confidential and restricted information and communication guaranteed by federal, state and local law, the right to be left alone, the most comprehensive of rights, and most values by civilized men, to protect that right, every unjustifiable intrusion upon the privacy of the individual must be deemed a violation of the fourth amendment. *Miranda v. Arizona.*

Ninth amendment provides that the rights enumerated in the Bill of Rights are not the only rights possessed by the people, probably the most famous example of an unenumer-

ated right is the right to privacy in *Griswold v. Connecticut*, the court held that the constitution protects a right to privacy, such rights do exist. Supreme Court Justice Blackmun in *Roe v. Wade*, the right to privacy, founded in the fourteenth amendment's concept of personal liberty.

A host of privacy right decisions followed the Griswold case, culminating in the landmark 1973 U.S. Supreme Court decision *Roe v Wade*. Samuel Warren and Louis Brandeis "the right to privacy" in the Harvard Law Review. As Warren and Brandeis wrote, individuals have a right "to be let alone". Following appellant and his mother for over two years and singling him out during visits with his mother and eavesdropping on every conversation and entering Mrs. Parkinson's room under pretext when he is visiting her. Appellee's were warned many times that this activity need to cease at once as it infringing on there right to privacy. App. H, I and F appellee's letter threatening to bar Mr. Parkinson only access to his mother unless he "immediately stop all communications with residents, other than (his) mother. Infringing on his amendment right to free speech and association. The legal system in this country protects a private citizen's right to privacy.

In Maryland it has long been held the right of privacy is protected by the Federal Constitution and State Constitution. *Bailer v. Erie Ins. Exch.*, Md. 578, 177 a. 2d 841 (1997) citing *Carr v. Watkins*, 227 Md. 578, 177 a. 2d 841 (1962) *Lawrence v. A.S. Abell Co.*, 299 Md. 697, 475 a. 2d 448 (1984) *Trundle v. Homeside Lending, Inc.*, 162 F. Supp. 2d 396 d. Md. 2001) *New Summit Assocs. Ltd. P'ship. v. Nistle*, 73 Md. App. 351, 533 a 2d. 1350 (1987) MPJI-CV 25:1 *see* Richard J. Gilbert & Paul T. Gilbert, Maryland Tort Law Handbook Ch. 15 (Lexis 3d ed. 2005).

Appellee's have not presented any Maryland case that has held as a matter of law that unreasonable surveillance and eavesdropping of petitioner was not highly offensive. There-

fore, it is an issue of fact for the fact finder the jury to determine whether this conduct is unreasonable, intentional, and highly offensive and is not appropriate for a motion to dismiss.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Respondents kept a dying mother a U.S. citizen from seeing her son a 82nd Airborne Paratrooper and veteran, a Maryland State Police Officer and a Medical profession *see* App. fold-in the last nine month of her life from September 20, 2004 thru May 18, 2005 the day of her death. 1. Extreme and outrageous, 2. *See* App. D fold-ins Ethel Parkinson, App. J, DHMH report and App. 1 Dept. of aging report dated August 8, 2002 10 month before guardianship proceeding. This worker advised Ms. Stewart that restricting visitors access to residents is walking a fine line in terms of residents rights. Ms. Stewart asked this worker if Ms. Ormond not the guardian could put a request for supervised visits or no visits in writing. This was three days before petitioner had found his mother at Somerford and three days before Petitioner has ever met Ms. Stewart or respondents. 3. Intentional *see* App. H letter from Cawood & Kelly dated Sept. 3, 2003 threatens to bar only access to his mother. Singling him out and eavesdropping on their conversation it is infringing on their right to privacy. Infringe on right to free speech intentional and reckless. *See* App. I letter from Stahl & Block dated November 2, 2004 Ms. Stewart said petitioner could no longer visit his mother, two years history of threatening petitioner, intentional, reckless and extreme and outrageous. Petitioner has had to be placed on prescribed pills from his physician for nausea, migraine's and insomnia. 4. There must be a causal connection between the wrongful conduct and emotional distress. Respondent would have the court believe falsely imprisoned a sixteen year old boy for stolen money is the same. He is asking the court to compare apple's and oranges and silver and gold they are not the same.

Respondents would have the court believe a paper cut is the same as having your legs blown off with a land mine or closing your eyes for a second is the same as being blind or detaining a kid after school is the same as making our mother a prisoner in prison without visitors for life. 5. Emotional distress must be severe. Each element fled and proved with specificity. *See Stanley v. Illinois*, 405 U.S. Supreme Court Justice White, J., Brennan, Stewart, Marshall, JJ., Douglas J., Burger, C.J. Opinion under the due process clause of the Fourteenth Amendment petitioner was entitled to a hearing on his fitness as a parent before his children were taken from him, and by denying him a hearing and extending it to all other parents denied Stanley the equal protection of the law guaranteed by the Fourteenth Amendment. Pp. 647-658 reversed and remanded.

Respondent unreasonably infringes upon the rights, privileges and immunities guaranteed to Parkinson under the U.S. Constitution and Maryland Constitution, Declaration of Rights Maryland law has long recognized the tort intentional infliction of emotional distress. Illustrative cases and authority in which the tort was proved include: *B.N. v. KK*, 312 Md. 135, 538 A. 2d.1175 (1988); *Reagan v. Rider*, 70 Md. App. 503, 521 A 2d. 1246 (1987); *Moniodis v. Cook*, 64 Md. App. 1, 494 A. 2d 212, 304 Md. 631, 500 A. 2d. 649 (1985); *Young v. Hartford Acc. & Indem.*, Md. 303 Md. 182, 492 a. 2d 1270 (1985); *Ford v. Douglas*, 144, 144 Md. App. 620 (2002). *See* App. F.

The tort intentional infliction of emotional distress involves the causing of severe metal distress to another by one who engages in extremely outrageous and intentional conduct *see* MPH-CV 15: 11.

The conduct of the defendant's was malicious, willful, and intentional as a result of the a fore said conduct and action, the petitioner has suffered, and will continue to suffer, severe and extreme emotional distress. Petitioner has been placed on prescription medication for migraines, nausea, and insomnia.

Appellee's have not presented any Maryland case that has held as a matter of law that keeping a dying mother from her son and a son from his dying mother the last nine month of her life is not highly offensive. Therefore, it is an issuer of fact for the fact finder the jury to determine whether this conduct is highly offensive and is not appropriate for a motion to dismiss. U.S. Constitution amend I, IV, V, VI, VII, VIII, IX, XIV, Md. Constitution Decl of Rights Art 5, 13, 19, 20, 23, 45.

VIOLATION OF FEDERAL AND STATE RULE'S OF PROCEDURE AND RULES EVIDENCE

The Supreme Court in *United States v. Nixon* from decision read by Chief Justice Burger: the allowance of the privilege to withhold evidence that is demonstrably relevant in a criminal trial would cut deeply into the guarantee of due process of law and gravely impair the basic function of the courts. The court ruled that no person, not even the president was above the law.

Federal and state rules of evidence and civil procedure two central aims of the rules are to ensure that due process of the law is served and that efficient use is made of judicial resources. The lower court has blocked all access to discovery for over two years by petitioner refused production of documents under federal rule 26 general provisions governing Discovery 26(a)(1)(e) Discovery Rule 34, or 45(a)(1)(c) and Maryland Rules of Civil Procedure Rule 2-401, Rule 2-402, Rule 2-421, Rule 2-501, Rule 2-432, Rule 2-433, Rule 2-422, section 4-306 of the health-general articles of Maryland annotated. The court has denied every request for production of document, request to Compell request for documents and quashed discovery subpoenas federal and state law of civil procedure and rules of evidence require discovery and punishment for refusing request for discovery.

Scheduling order dated February 7, 2005 signed by the honorable judge Pamela L. North. The deadline and dates set

forth are firm dates and may not be changed. Failure to comply with the provisions of this order may lead to the imposition of sanctions on the parties and/or their counsel, which may include dismissal, entry of default or monetary sanctions. Dispositive pretrial motions: 7/15/05 deadline to file any motions for summary judgment or other dispositive motions. Motion to dismiss complaint filed 7/18/05 filed after deadline. Hearing notice issued 7/21/05 after deadline. Hearing on motion to dismiss 9/13/05 two month after deadline. Motion to dismiss filed 10/11/05 three month after deadline. Motion to dismiss hearing filed 2/27/06 seven month after deadline. Motion to dismiss hearing 5/22/06 ten month after deadline.

Pretrial and settlement conference: *see* App. 11/02/05 pretrial and settlement conference to be held before a judge of the court, at 11:00 am. The attorneys who will actually try the case, all parties and insurance representatives with full authority to settle the case, shall be present at the pretrial conference. Trial on the merits: Trial shall be scheduled at the time of the pretrial/ settlement conference. In accordance with Md. Rule 16-202 the appellee's failed to show up at conference. The court stated all parties were at conference this is not a true statement. Only petitioner attended and the judge was very angry, rude and arrogant.

Petitioner asked him his name he said it was on the door. Petitioner asked for a court date he said no. Judge said all parties were present not true. *See* App. KK pretrial order.

In *Jones v. United States*, set the precedent that removing a jury's control over the fact's would violate the six Amendment.

In *Apprendi v. New Jersey*, the United States Supreme Court held that "any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt. *See* App. EE, Patient's Right to Visitors. Annotated Code of Maryland

Title 10 Subtitle 21 Chapter 09 Patient's Right to Visitors 10.21.09.08.

VIOLATION OF CIRCUIT COURT ORDER DATED APRIL 30, 2003

Court order signed April 30, 2003 by Circuit Court for Anne Arundel County, Judge Philip T. Caroom. Ordered that children of the disabled person shall be permitted to take the disabled person out of Somerford Place, the assisted living facility in which she resides, for brief periods for family visits. Ordered that the guardian shall permit all the children of the disabled person to have full access to the medical records of the disabled person. Contemp-willful disobedience or open disrespect of order, authority, or dignity of a court, or failure to obey the court's orders indirect contemp-contempt (as disobedience of a court order) that occurs outside the presence of the court. Federal and state law has long recognized the authority of a court order.

Respondent would have the court believe they were not parties to this court order. This is wrong. Respondent met in secret with Ms. Ormond one year before guardianship proceeding to make arrangement to take advantage of a disabled elderly person have her sign complex legal papers taking away her freedom and imprisoning her for the rest of her life against her will. And the will of her power of attorney and family. *See* App. M Karen S. Kauffman in-home report dated July, 31, 2002 one year before guardianship proceeding. Impression: Mrs. Parkinson has moderate-advanced dementia probably of a vascular type, and requires 24-hours supervision and care *see* App. D pictures of Ethel Parkinson. It is my professional opinion that she is neither capable of understanding complex legal issues nor the significance of her signature on any legal papers. *See* App. II. Rita Ormond answers to interrogatories one year before guardian proceeding. Rita Ormond admits that, upon the advise of the executive director of Somerford Place, Melissa Stewart not to

allow anyone to remove Ethel Parkinson from Somerford. *See* App. L Dept. of Aging report dated August 8, 2002 Ms. Ormond had Ms. Parkinson rescind a POA document appointing Ronald W. Parkinson and sign a new POA document appoint her alone. *See* App. Q medical power of attorney dated July 20, 2002 this worker warned her that due to diagnoses, one could contest that she was not able to understand. It was not Ms Ormord who told us we could not every bring our mother home it was respondents. Even after ten month before the guardianship proceeding respondents would not let Ms. Parkinson family bring her home for anything, Christmas, Thanksgivings, Birthdays, weekends, visits or anything even with petitioner being her power of attorney and both U.S. citizen. There would not have been a guardianship proceeding if respondent's had not falsely imprisoned Ms. Parkinson. Even after the court order dated April 30, 2003 *see* App. II directing Somerford to permit Ms. Parkinson to go home for family visits respondent still refused, druging her so bad petitioner could not even wake her to feed her than blocking all access to his mother completely. Petitioner would go and feed his mother each day, when respondents blocked all access, she lost 55 lbs and died.

Appellee's have not presented any Maryland case that has held as a matter of law that people and corporations named in a court order are not part of that court order or are exempt from that court order. Therefore, it is an issuer of fact for the fact finder the jury to determine whether this court order applied to the respondent's.

CONCLUSION

This case is not about money. It is about what America has become. When you say a U.S citizen a dying mother cannot see her son the last nine month of her life we say you are wrong.

When you say a mother and her family who has defended and served this country for over 100 years cannot face the

heavy handed tyrant that blooded abused, neglected their mother in a court of law we say you are wrong.

When the court says I can go home and see my family today and every day and every other person in this country can see there family's but your mother, a Sunday school teacher all her life, a wife of a man who served this country in WWII, Africa, Sicily, England Normandy, D-Day. Her sons who served in Vietnam, Korea, Germany, her grandson and granddaughter who served in New York on 9-11 and Iraq we say you are wrong.

When you say a 82nd Airborne Paratrooper, a Maryland State Trooper, a medical profession cannot see his mother you are wrong.

When you say a family of four generation of veterans, professional firefighters, policemen and medical personal cannot stand in your courtroom, we say you are wrong.

When you say a court can block all access to discovery for over two years and lie about proceeding we say you are wrong.

This great country will soon have 300 million citizens some will die young, some in accidents and many in war. But many will grow old, weak and frail, they are easy targets for heavy handed tyrants and large corporation.

In over two years respondents have never said you can imprison our family's and beat them like they did to Ethel Parkinson, if they did they should be escorted from this country because they have no idea what god, country, family life means to a American.

When a man or woman put on the uniform of this great nation, they have earned the right to stand in any courtroom. God gave them that right, the United States constitution gave them that right our death, blood, burned bodies gave her that right and it will not be taken from us.

The basic unit of any society is the home, when heavy handed tyrants and large corporation try to break the family,

the society is on the way to disintegration and could ultimately lead to the destruction of our civilization.

Petitioner had a contract with god "The Ten Commandments" "Commandment V" "honor thy father and thy mother" Isaiah 1:17 plead the case of the widow.

Petitioner had a contract with country to defend against enemys foreign and domestic.

Petitioner had a contract with parents to take care of and protect them.

The court must look at Ethel Parkinson face the smile with her head on petitioner shoulder and hand around 82nd Airborne waist. The smile when she pinned the badge of a Maryland state trooper on his chest, then look at pictures of what respondent done to a U.S. citizen, our mother didn't die from dementia or old age, she died because respondents took every think she loved away family and life, liberty, and pursuit of happiness.

Rest apolitical system on an unstable foundation and it will crumble under pressure and fall away like sand, but build a system on solid stones, and will hold up and withstand the test of time.

Justice compels us to understand the rage, to feel the pain, to respond to the cries.

The Declaration of Independence speaks of inalienable God given rights, the abridgement of which permits revolution, which men have died for.

We must be wary of those who are willing to end the lives of the elderly and the ill.

We are the guardians of this country and have been for over 100 years and no heavy handed tryant is going to take that away.

It is justice that demands those who do evil against our society must be punished by our society.

The court must ask of this was my grandmother, mother, wife, children, or anyone else do I understand the rage, feel the pain.

The court must ask what kind of world I would like to leave to my children and grandchildren future generation.

The only thing necessary for the triumph of evil is for good men to do nothing.

Justice Thurgood Marshall U.S. Supreme Court said "we must never forget that the only real source of power that we as judges can tap is the respect of the people".

John F. Kennedy, 1962 this country does not forget God or the soldier. Upon both we now depend.

Respectfully submitted,

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